

Judge Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMON GONSALEZ-REYES and
ERNESTO CASTILLO-ROJAS,
a/k/a Teodulpho Castillo-Rojas,

Defendants.

NO. CR05-329JLR

ORDER GRANTING SECOND JOINT
MOTION TO CONTINUE TRIAL
DATE AND TO RESCHEDULE
PRETRIAL MOTIONS

THIS MATTER having come before the Court on the joint motion of the parties for an order continuing the trial date in this cause and rescheduling pretrial motions, and the Court having reviewed the motion and the balance of the records and files herein, the Court now finds and rules as follows:

On August 25, 2005, defendants Ramon Gonzalez-Reyes and Ernesto Castillo-Rojas, a/k/a Teodulpho Castillo-Rojas, were charged by Complaint with distribution of 500 grams or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); distribution of five grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and possession of five hundred grams or more of methamphetamine with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). On September 7, 2005, the defendants were indicted on the same charges. They appeared before Magistrate Judge Mary Alice Theiler on September 8, 2005, for

1 arraignment. Pretrial motions were due on September 29, 2005, and trial was scheduled
2 to begin on November 15, 2005. Both defendants have been ordered detained pending
3 trial.

4 On October 4, 2005, the Court granted the defendants' unopposed motions to
5 continue the deadline for filing pretrial motions from September 29, 2005, to October 13,
6 2005.

7 On October 17, 2005, subsequent to the appearance of new counsel for the
8 United States, the Court granted the joint motion of the parties to continue the trial date to
9 December 13, 2005. Since that date, the parties have engaged in a discovery conference
10 and supplemental discovery materials have been produced to defense counsel by the
11 United States. In addition, critical laboratory results were received by the United States
12 only recently. Accordingly, counsel have agreed that additional time is required to
13 evaluate the discovery materials. In addition, counsel for defendant Ramon Gonzalez-
14 Reyes has a scheduling conflict with the December 13, 2005, trial date. The parties have
15 agreed that the trial date should be continued in order to ensure all counsel the reasonable
16 time necessary for effective preparation, taking into account the exercise of due diligence,
17 and to ensure the continuity of defense counsel for defendant Gonzalez-Reyes.

18 It appearing to the Court that the failure to grant the requested continuance would
19 effectively deny all counsel the reasonable time necessary for effective preparation,
20 taking into account the exercise of due diligence, and further deny defendant Gonzalez-
21 Reyes continuity of counsel, and it further appearing to the Court that the ends of justice
22 served by granting the requested continuance outweigh the interest of the public and the
23 defendants in a speedy trial,

24 IT IS HEREBY ORDERED that the joint motion of the parties to continue the trial
25 date is GRANTED.

26 IT IS FURTHER ORDERED that the Government's response to the pending
27 suppression motion filed on behalf of defendant Ernesto Castillo-Rojas, a/k/a Teodulpho
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1 Castillo-Rojas shall be due on or before January 19, 2006. The motion shall be renoted
2 on the Court's motion calendar for January 20, 2006.

3 IT IS FURTHER ORDERED that the trial date shall be continued from Tuesday,
4 December 13, 2005, to Tuesday, February 21, 2006.

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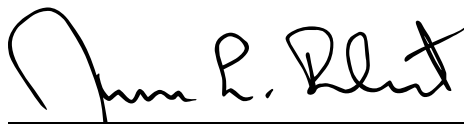
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ORDER GRANTING SECOND JOINT MOTION TO CONTINUE TRIAL DATE
AND TO RESCHEDULE PRETRIAL MOTIONS/GONSALEZ-REYES/CASTILLO-ROJAS - 3
(GONSALEZ-REYES.CONT2.ORD)
CR05-329JLR

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1 IT IS FURTHER ORDERED that the period of delay from until December 15,
2 2005, to February 21, 2006, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A),
3 for the purpose of computing the time limitations imposed by the Speedy Trial Act,
4 18 U.S.C. §§ 3161-3174.

5 DATED this 21st of November, 2005.

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JAMES L. ROBERT
United States District Judge

Presented by:

s/ LEONIE G.H. GRANT

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